

Exhibit B

REMOVAL TO FEDERAL COURT

STATE COURT RECORD

STATE OF INDIANA

Vigo Superior Court

84D06-2012-CT-006246

JENNIFER S. DAUGHERTY

v.

DOLLAR TREE STORES, INC.

APPEARANCE FORM
(CIVIL)

Initiating Party

Vigo Superior Court 6

Case Number: 84D06-2012-CT-006246

(To be supplied by Clerk at the time of filing)

// Check if Pro Se. NOTE: This form is not required for pro se protective orders.

- 1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s):**

Plaintiff, Jennifer S. Daugherty

- 2. Telephone of pro se initiating party**
Name of first initiating party

- 3. Attorney information (as applicable for service of process):**

Name:	George B. Tofaute	Atty. No.:	861-84
Address:	TOFAUTE & SPELMAN	Phone:	(812) 232-6022
	20 South 5th Street	FAX:	(812) 232-8153
	Post Office Box 9406	Fed. Tax ID:	35-2060549
	Terre Haute, Indiana 47808-9406	E-mail:	tslaw1@accident-law.com

- 4. Case Type requested: CT**
(See Administrative Rule 8(b)(3))

- 5. Will accept FAX service: YES**

- 6. Are there related cases? NO**

If yes, list case and number below:

Caption:

Case No.:

- 7. Additional information required by state or local rule:**

Tofaute & Spelman LLC

/s/ George B. Tofaute
George B. Tofaute 861-84

**STATE OF INDIANA
VIGO SUPERIOR COURT
2020 TERM**

JENNIFER S. DAUGHERTY,

Plaintiff,

Vs.

Vigo Superior Court 6

CAUSE NO.: 84D06-2012-CT-006246

**DOLLAR TREE STORES, INC.
a foreign for-profit Corporation,**

Defendant.

SUIT FOR PERSONAL INJURIES

Comes now the Plaintiff, by her Attorneys of Record, and for her claim against the Defendant states as follows:

- 1. On and prior to Saturday, October 3, 2020, the Defendant owned, controlled, operated and maintained a retail store for shopping by the public at 2191 South State Road 46 in the City of Terre Haute, Vigo County, State of Indiana for service to the retail shopping public. The Plaintiff believes that said store is referred to as Store Number 46 by the Defendant and further states that on the indicated date the Plaintiff went to said store during regular business hours intending to shop as a retail patron therein.**
- 2. As Plaintiff was shopping and ambulating with the use of crutches due to an unrelated partial amputation of her leg, she was, suddenly and without warning, caused to fall as the result of the negligence and carelessness of the Defendant in failing to inspect, maintain, monitor, and clean its floor where the Plaintiff was caused to fall when her crutch slipped on a foreign substance or substances on the Defendant's store, as stated.**
- 3. The Plaintiff sustained personal injuries which caused her both physical and mental pain, suffering and anxiety, incurred medical expenses, and continues to suffer pain, both physical and psychological, as the result thereof. The Plaintiff believes she may require future medical treatment and incur future medical expenses all to the Plaintiff's damage as stated.**

WHEREFORE, the Plaintiff sues and demands judgment against the Defendant in a sum sufficient to fairly and reasonably compensate her for the losses, pain, suffering, injuries and damages she has sustained, both now and in the future, asks the cost of this action and all the proper relief in the premises.

Respectfully submitted,

**TOFAUTE & SPELMAN
20 South Fifth Street
P.O. Box 9406
Terre Haute, IN 47808-9406
(812) 232-6022 FAX (812) 232-8153**

**By: /s/ George B. Tofaute
George B. Tofaute, 861-84**

REQUEST FOR JURY TRIAL

The Plaintiff, hereby requests Trial By Jury in the above cause of action.

STATE OF INDIANA
VIGO SUPERIOR COURT
33 South Third Street
Terre Haute, IN 47807
PHONE: (812) 462-3000

2020 TERM

JENNIFER S. DAUGHERTY,

Plaintiff,

Vs.

DOLLAR TREE STORES, INC.
a foreign for-profit Corporation,

Defendant.

Vigo Superior Court 6

CAUSE NO.: 84D06-2012-CT-006246

Dollar Tree Stores, Inc.
c/o Registered Agent:
Business Commercial Registered Agent:
Corporation Service Company
135 North Pennsylvania Street - Suite 1610
Indianapolis, IN 46204

SUMMONS

TO ABOVE-NAMED DEFENDANT:

You have been sued by the person named "Plaintiff", in the Court stated above. The nature of the suit against you is stated in the Complaint, which is attached to this Summons. It also states the demand which the Plaintiff has made against you. You must answer the Complaint in writing, you or your attorney, within twenty (20) days, commencing the day after you receive this Summons (you have twenty three (23) days to answer if this Summons was received by mail), or judgment will be entered against you for what the Plaintiff has demanded. If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

The following manner of service of Summons is hereby designated:

CERTIFIED MAIL. If not so designated, the Clerk shall cause service to be made by mail.

Date: 12/3/2020

George B. Tofaute, TOFAUTE & SPELMAN
20 South Fifth St., P. O. Box 9406
Terre Haute, Indiana 47808-9406
(812) 232-6022
Attorneys for Plaintiff

Bradley A. Newman Clerk

MB Deputy

(S E A L)



CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 2020, I mailed a copy of this Summons and a copy of the Complaint to the Defendant, _____, by _____ Mail, requesting a return receipt, at the address furnished by the Plaintiff(s).
Dated _____, 2020. _____ Clerk

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint mailed to Defendant, _____, was accepted by, or on behalf of, the Defendant on the _____ day of _____, 2020.

I hereby certify that the envelope containing the Summons and a copy of the Complaint was returned to me showing that the same was not accepted by the addressee on the _____ day of _____, 2020.

Clerk

ACKNOWLEDGMENT OF SERVICE

I hereby acknowledge receipt of a copy of the Summons and a copy of the Complaint in the above entitled cause at _____ on the _____ day of _____, 2020.

Signature of Defendant

RETURN ON SERVICE OF SUMMONS BY SHERIFF

I hereby certify that I have served the within Summons: (1) by delivering a copy of the Summons and a copy of the Complaint to the Defendant, _____, on the _____ day of _____, 2020; (2) by leaving a copy of the Summons and a copy of the Complaint at _____ on the _____ day of _____, 2020, the dwelling house or usual place of abode of the Defendant _____, or by mail to the last known address of the Defendant at _____.

Sheriff's Fees: _____
Additional _____

Vigo County Sheriff

IN THE VIGO COUNTY SUPERIOR COURT
 STATE OF INDIANA

JENNIFER S. DAUGHERTY,)
)
 Plaintiff,)
) CAUSE NO. 84D06-2012-CT-006246
 v.)
)
 DOLLAR TREE STORES, INC.,)
)
 Defendant.)

APPEARANCE BY ATTORNEY IN CIVIL CASE

Party Classification: Initiating ___ Responding √ Intervening ___

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s):

DOLLAR TREE STORES, INC.

2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

Daun A. Weliever	Attorney No. 15294-49
Molly E. Lee	Attorney No. 31998-49
LEWIS WAGNER, LLP	Phone: (317) 237-0500
501 Indiana Avenue, Suite 200	FAX: (317) 630-2790
Indianapolis, IN 46202	dweliever@lewiswagner.com
	mlee@lewiswagner.com

Each attorney specified on this appearance:

- (a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance;
- (b) **acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney;** and
- (c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).

Attorneys can review and update their Roll of Attorneys contact information on the Courts Portal at <http://portal.courts.in.gov>.

3. There are other party members: Yes ____ No X
4. *If first initiating party filing this case*, the Clerk is requested to assign the case the following Case Type under Administrative Rule 8(b)(3): ____
5. This case involves support issues. Yes ____ No X *(If yes, supply social security numbers for all family members on continuation page.)*
6. There are related cases: Yes ____ No X *(If yes, list on continuation page.)*
7. This form has been served on all other parties.
Yes X No ____
8. Additional information required by local rule: _____ N/A _____.

Respectfully submitted,

LEWIS WAGNER, LLP

/s/ Daun A. Weliever

DAUN A. WELIEVER, Attorney No. 15294-49

MOLLY E. LEE, Attorney No. 31998-49

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of December, 2020, a copy of the foregoing was served on the following parties electronically by using the Court's IEFS System and U.S. Postal Service, pre-paid delivery for those parties not yet registered.

George B. Tofaute
TOFAUTE & SPELMAN
20 South Fifth Street
P.O. Box 9406
Terre Haute, IN 47808-9406

/s/Daun A. Weliever
DAUN A. WELIEVER

LEWIS WAGNER, LLP
501 Indiana Avenue, Suite 200
Indianapolis, IN 46202
(317) 237-0500
dweliever@lewiswagner.com
mlee@lewiswagner.com

IN THE VIGO COUNTY SUPERIOR COURT
 STATE OF INDIANA

JENNIFER S. DAUGHERTY,)	
)	
Plaintiff,)	
)	CAUSE NO. 84D06-2012-CT-006246
v.)	
)	
DOLLAR TREE STORES, INC.,)	
)	
Defendant.)	

NOTICE OF INITIAL ENLARGEMENT OF TIME

Defendant, Dollar Tree Stores, Inc., by counsel, pursuant to LR48-TR06-25, hereby informs the Court that its Answer to Plaintiff's Suit for Personal Injuries is currently due on or before December 30, 2020, and pursuant to LR48-TR06-25, that date is automatically enlarged, without Order from the Court, to January 29, 2021.

Respectfully submitted,

LEWIS WAGNER, LLP

/s/ Daun A. Weliever

DAUN A. WELIEVER, Attorney No. 15294-49

MOLLY E. LEE, Attorney No. 31998-49

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of December, 2020, a copy of the foregoing was served on the following parties electronically by using the Court's IEFS System and U.S. Postal Service, pre-paid delivery for those parties not yet registered.

George B. Tofaute
TOFAUTE & SPELMAN
20 South Fifth Street
P.O. Box 9406
Terre Haute, IN 47808-9406

/s/Daun A. Weliever
DAUN A. WELIEVER

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dweliever@lewiswagner.com
mlee@lewiswagner.com

IN THE VIGO COUNTY SUPERIOR COURT
STATE OF INDIANA

JENNIFER S. DAUGHERTY,)	
)	
Plaintiff,)	
)	CAUSE NO. 84D06-2012-CT-006246
v.)	
)	
DOLLAR TREE STORES, INC.,)	
)	
Defendant.)	

JURY DEMAND

Comes now Defendant, Dollar Tree Stores, Inc., by counsel, pursuant to Trial Rule 38(B) of the Indiana Rules of Trial Procedure, and respectfully requests that this cause of action be tried by a jury.

Respectfully submitted,

LEWIS WAGNER, LLP

/s/ Daun A. Weliever

DAUN A. WELIEVER, Attorney No. 15294-49

MOLLY E. LEE, Attorney No. 31998-49

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of December, 2020, a copy of the foregoing was served on the following parties electronically by using the Court's IEFS System and U.S. Postal Service, pre-paid delivery for those parties not yet registered.

George B. Tofaute
TOFAUTE & SPELMAN
20 South Fifth Street
P.O. Box 9406
Terre Haute, IN 47808-9406

/s/Daun A. Weliever
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